PETITION FOR ZONING VARIANCE S/S North Point Boulevard, 1400'+/- SE of Eastern Avenue (719 North Point Boulevard) 15th Election District 7th Councilmanic District

Trust Realty Company Petitioner

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

* Case No. 90-212-A

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FINDINGS OF FACT AND CONCLUSIONS " LAW The Petitioner herein requests a variance to permit a front yard

setback of 54 feet for a proposed retail building and a front yard setback of 50 feet for an existing retail building, both in lieu of the required front average of 59 feet, and a parking setback of 7 feet in lieu of the required 10 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Kenneth Katz, great nephew and representative for Arthur Katz, Trustee/Owner, appeared, testified and was represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petition was James McKee, expert land planner and engineer. There were no Protestants.

Testimony indicated that the subject property, known as 719 North Point Boulevard, consists of 0.745 acres more or less zoned B.L.-C.S.A., and is improved with an existing building containing 1,060 sq.ft. of retail space. The proffered testimony indicated that Petitioner proposes to construct another building containing 3,648 sq.ft. of retail space between the existing building and an adjacent McDonald's Restaur. .t. However, the proposed building will require a front setback of 54 feet as a result of an existing access easement to the rear of the site for McDonald's Restaurant customers, as depicted in Petitioner's Exhibit 1. The setback required is determined by averaging the front yards of the abutting McDanalds and Sizzler Restaurants. The variance requested for the exist-

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the samesed advertisement was publish-

ed in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES

RIPORTIES, weekly newspapers published in Baltimore County, Md.,

once in each of ______ successive weeks, the first publication appearing

CERTIFICATE OF PUBLICATION

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Toxintes 20 19 89

NORTHEAST TIMES BOOSTER and the SORTHEAST TIMES REPORTER

ing building will validate its 50-foot setback which has been in place since 1970. Said building met zoning setback requirements in effect at that time as it was located well behind an adjacent and former White Coffee Pot, Jr. Restaurant, which predated and and was on the same site as the present McDonald's Restaurant.

Testimony indicated the requested parking variance is for the existing parking lot along North Point Boulevard. Petitioner testified the 7-foot setback is consistent with the parking setbacks of the abutting properties. By letter dated November 30, 1989, Pat Keller, Director, Office 'f Planning and Zoning, indicated their support of Petitioner's request. Petitioner has agreed to provide and maintain landscaping in the existing State right-of-way along North Point Boulevard.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of January, 1990 that the Petition for Zoning Variance to permit a front yard setback of 54 feet for a proposed retail building and a front yard setback of 50 feet for an existing retail building, both in lieu of the required front average of 59 feet, and a parking setback of 7 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following re 'rictions which are conditions precedent to the relief

> 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The Petitioner shall comply with all requirements and specifications of the approved CRG Plan for the subject site.

3) Petitioner shall submit and obtain approval of a landscape plan by the Baltimore County Landscape Planner prior to the issuance of any permits.

4) Petitioners shall comply with the requirements of the State Highway Administration as set forth in their comments dated August 31, 1989 prior to the issuance of any permits. A H Nestran.

AMN:bjs

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 303.2 of the B.C.Z.R. to permit a 54 ft. setback for a proposed retail building and a 50 ft. setback for an existing retail building in lieu of the required 59 ft. setback.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	w se
·	Trust Realty Co.	
(Type or Print Name)	(Type or Print Name)	—
	art 14 1/a Tate	2 Q /
*****************************	Signature	·- -
S.gnature	Signature	DATE 9
,		200 _
Address	(Type or Print Name)	
		1000
C:ry and State	Signature	T
Chy and Disto		
Attorney for Petitioner:		
John_B. Howard	3 Shawan Road 523	7-1881
(Type or Aring Name)	Address Phone No	 J.
CALL Solow	Hunt Valley, Maryland 21030	
Signature	City and State	
210 Allegheny Avenue	Name, address and phone number of legal owner	. con-
Address	tract purchaser or representative to be contacte	ed
Z ,	John B. Howard	
Towson, Maryland 21204		
City and State	Name 210 Allegheny Avenue	n 4111
Attorney's Telephone No.: 823-4111	Towson, Maryalnd 21204 82	3-4111
	Address Phone N	0.
	7.5 /S	dan
ORDERED By The Zoning Commissioner of	Bathmore County, this	_ day
1989 that the	subject matter of this polition be advertise	d, as
required by the Zoning Law of Baltimore County	in two newspapers of general circulation thr	ough-
out Baltimore County, that property be posted, an	id that the public hearing be had Defore the 2	oning
Commissioner of Baltimore County in Room 10	16. County Onice Building in Towson, Ball	nnore

TOWSON, MD., November 20, 1989

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of ____ successive

and a 7 ft. parking setback in lieu of the required 10 ft. Es per Section of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the 409.8. following reasons: (indicate hardship or practical difficulty)

To Be determined at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

McKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

HUNT VALLEY, MARYLAND 21030 SHAWAN PLACE, 5 SHAWAN ROAD Telephone: (301) 527-1555 Facsimile: (301) 527-1563

August 1, 1989

DESCRIPTION TO ACCOMPANY ZONING VARIANCE KATZ PROPERTY

Beginning at a point on the south side of North Point Boulevard, 150 feet wide, said point being 1,400 feet + east of Eastern Avenue; thence running the six following courses and distances: 1) South 70° 12° 21" East 194.62 feet, 2) South 190 47' 39" West 149.81 feet, 3) North 710 17' 24" West 83.26 feet, 4) North 30° 47' 22" East 31.92 feet, 5) North 76° 44' 07" West 118.23 feet, and 6) North 190 47' 39" East 133.50 feet to the place of beginning. Containing 26,601 square feet + or 0.611 acres of land.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

	•	Towen, Maryleid	* x
District 15 20			Date of Posting 11/17/89
Posted for:		*****	a round of the state of
Petitioner: 17	st Really	, Ca	
•			HOO'T SE / Fostorn Are:
Location of Signer 1	Facing N P	Elvd. approx.	10. Ex 100 of may on twenty.
Remarks:		~ .	
Posted by	Stealy	Date	of return: 11/25/89
Number of Signe: _			,

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Requisions of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: Petition for Zoning Variance Case number: 90-212-A
SS North Point Boulevard,
1400'± SE Eastern Avenue
719 North Point Boulevard,
15th Election District
7th Councilmentic
Petitioner(a):
Trust Reelty Company
Hearing Date: Friday,
Dec. 1, 1969 at 2:00 p.m.

Variance: To permit a 54 foot setback for a proposed retail building and a 50 foot setback for an endsting retail building in lieu of the required 59 foot front average

setback; and a 7 foot parti setback in lieu of the required

foot to right-of-way.
Petitioner(s): Truet Realty Com-

pany for that this Pethion is

granted, a building parmit may be issued within the thirty (30) day

appeal period. The Zoning Commissioner will, however, entertains
any request for a stay of the issuance of said permit during this
period for good cause shown.
Such request must be in writing
and received in this office by the
date of the hearing set above or
presented at the hearing.
NOTE:
If "PHASE II" of the "SNOW
EMERGENCY PLAN" is in effect
in Baltimore County on the above
hearing date, the Hearing will be
postponed. In the event of snow,
telephone 887-3391 to confirm
hearing date.

J. ROBERT HAINE

- November 20 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on November 16, 1989

CERTIFICATE OF PUBLICATION

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Communicationer

Trust Realty Company 3 Shawan Road Hunt Valley, Maryland 21030

Petition for Zoning Variance CASE NUBMER: 90-212-A 55 North Point Boulevard, 1400'± SE Eastern Avenue 719 North Point Soulevard 15th Election District - 7th Councilmanic Petitioner(s): Trust Realty Company

Dennis F. Rasmussen

Please be advised that \$125,47 is due for advertising and posting of THE PURE BE DAID AND THE ZONING SIGN & POST SZT(S)



HEARING: FRIDAY, DECEMBER 1, 1989 at 2:00 p.m.

12/01/89 PUBLIC HEARING FEES

080 -POSTING SIGNS / ADVERTISING 1 X

LAST NAME OF OWNER: TRUST REALTY CO.

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500 Paul H. Reincke

J. Robert Haines

AUGUST 24, 1989



Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: TRUST REALTY COMPANY

> Location: #719 NORTH POINT BOULEVARD

Item No.: 466 foning Agenda: AUGUST 29, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Pire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Noted and Flanning Group Fire Prevention Bureau Special Inspection Division

JR/KER

MA 2 6 TH

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 22, 1989

COURTY DEFICE SLOG Tue sue, maryland 31364

member 165

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But can of

John B. Howard, Esquire 212 Allegheny Avenue

persone of Pritter Engineering Realth Department Project Planning

Building Department Board of Education Loning Administration inductes #1

Towson, NO 21204

RE: Item No. 66, Case No. 90-212-A Petitioner: Trust Realty Co., et al Petition for Zoning Variance

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward thum to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

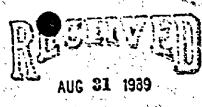
IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

cc: Trust Realty Co. 3 Shawan Road Hunt Valley, MD 21030

Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554



ZONING OFFICE

August 25, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear M. Vaines:

The Bureau of Traffic Engineering has no comments for items number 285, 65, 68, 68, 69, 70, 71, and 72.

Michael S. Flanigan

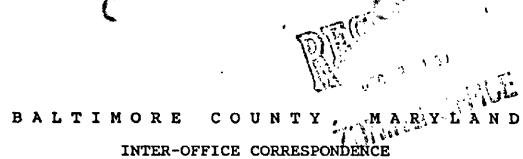
Traffic Engineer Associate II

MSF/lvw

PLEASE PRINT CLEARLY

5 SHAWAN 20 HUAT VALLET 3 Strawan Id 1 21030

PETITIONER(S) SIGN-IN SHEET



DATE: November 30, 1989

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Zoning Petition No. 90-212-A, Item 66 Trust Realty Company, Petitioner

The Petitioner requests a variance to front yard setback and parking setback requirements.

In reference to this request, staff offers the following

- The site obtained CRG approval for the proposed use on June 22, 1989 (File No. XV-501). The final zoning plan must conform to the approved CRG plan and final landscape plan.

- This office has no objection to the requested variances. The adjoining property, Sizzler Steak House, has a similar deficient parking setback. Granting of this variance would allow for free circulation between the two parking lots.

- A landscape plan must be approved prior to the issuance of any building permits. Any landscaping planted in the street right-of-way must be maintained by the property owner.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:ggl 90212A/ZAC1



Maryland Department of Transportation State Highway Admin stration

Richard H. Trainor Hal Kassoff

August 31, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County Katz Property Zoning Meeting of 8-29-89 S/S North Point Blvd. (MD 151) 1400' SE of **Eastern Avenue** (Item #66)

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a 54 foot setback for a proposed retail building and a 50 foot setback for an existing retail building in lieu of the required 59 foot front average setbar: and a 7 foot parking setback in lieu of the required 10 foot to right of way, we have the following comment.

This plan must be reviewed and approved by our Hydraulic Section concerning the proposed storm drain connection into the existing 36" diameter pipe within SHA right of way on North Point Blvd.

This approval process must be completed prior to issuance of building permits.

If you have any questions, please call Larry Brocato at 333-

Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Very truly yours,

Creston J. Mills. Jr., Chief Engineering Access Permits Division

LB:maw

cc: McKee & Assoc., Inc. Mr. J. Ogle



ZONING OFFICE My telephone number is (301) 333-1350 (Fax #333-1041)

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

January 3, 1990

Robert A. Hoffman, Esquire 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE (719 North Point Boulevard) 12th Election District - 7th Councilmanic District

S/S North Point Boulevard, 1400'+/- SE of Eastern Avenue Trust Realty Company - Petitioner Case No. 90-212-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, AM Noture

> > ANN M. NASTAROWICZ

for Baltimore County

Deputy Zoning Commissioner

AMN:bjs

cc: People's Counsel

File

(301) 887-3353 J. Robert Haines
Zoning Commissioner

Balti.nore County

Zoning Commissioner
Office of Planning & Zoning

Towson, Maryland 21204

Dennis F. Rasmussen
County Encutive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Youson, Maryland as

Petition for Zoning Variance CASE NUBMER: 90-212-A SS North Point Boulevard, 1400's SE Eastern Avenue 719 North Point Boulevard 15th Election District - 7th Councilmanic Petitioner(s): Trust Realty Company HEARING: FRIDAY, DECEMBER 1, 1989 at 2:00 p.m.

Variance: To permit a 54 foot metheck for a propozed retail building and a 50 foot setback for an existing retail building in lieu of the required to from number a setback; and a 7 foot parking sotback in lieu of the required to foot to stort of way. Petitioner(s): Trust Realty Company

In the event that this Petition is granted, a build g permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any mequest for a stay of the issuance of said permit during this paried for good couse shawn. Such request must be in writing and received in this office by the date of the hearing sat above or presented at the hearing.

MUTE:

(If "PHASE II" of the "SNOW EMERGENCY PLAN" Is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 937-339; to confirm hearing date.)

> ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

cc: Trust Realty Company John B. Howard, Esq.



Your petition has been received and accepted for filing this

15th day of September, 1989.

Zoning Commissioner
Office of Flanning & Zoning

Towson, Maryland 21204

(301) 887-3353

I. Robert Haines

J. ROBERT HAINES ZONING COMMISSIONER

Petitioner: Trust Realty Co., et al Petitioner's Attorney: John B. Howard

